IN THE U.S. PATENT AND TRADEMARK OFFICE

Appellants:	Carl BILICSKA et al.
Application No.:	09/675,399
Art Unit:	2165
Filed:	September 29, 2000
Examiner:	Hassan Mahmoudi
For:	AUTOMATED AUTHENTICATION HANDLING SYSTEM
Attorney Docket No.:	129250-001034/US

APPLICANTS'/APPELLANTS' BRIEF ON APPEAL (Corrected)

MAIL STOP APPEAL BRIEF - PATENTS
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

September 20, 2007

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APPELLANTS' BRIEF ON APPEAL

I. REAL PARTY IN INTEREST:

The real party in interest in this appeal is Lucent Technologies Inc. Assignment of the application was submitted to the U.S. Patent and Trademark Office on September 29, 2000, and recorded on the same date at Reel 011176, Frame 0834.

II. RELATED APPEALS AND INTERFERENCES:

There are no known appeals or interferences that will affect, be directly affected by, or have a bearing on the Board's decision in this Appeal.

III. STATUS OF CLAIMS:

Claims 1-14 are pending in the application, with claims 1 and 9 being written in independent form.

Claims 1-14 remain finally rejected under 35 U.S.C. §101 as well as 35 U.S.C. §103(a). Claims 1-14 are being appealed.

IV. STATUS OF AMENDMENTS:

An Amendment After Final ("AAF") was filed on January 30, 2007. In an Advisory Action dated February 15, 2007, the Examiner stated that the AAF overcame the 35 U.S.C. §112 rejections but, otherwise, did not place the application in condition for allowance.

V. SUMMARY OF CLAIMED SUBJECT MATTER:

(i). Overview of the Subject Matter of the Independent Claims

The present invention is directed at providing methods and devices that allow individuals and groups of individuals ("users") the ability to securely access multiple "applications" running on multiple servers faster and easier than previously thought possible. More specifically, the claims are directed at an authentication server and related methods that both: (i) establish a two-way trusted communication link; and (ii) allow an authenticated user to access a list of application servers associated with a client identifier. More specifically, independent claim 1 reads as follows (specification citations in parenthesis are exemplary only):

1. An automated authentication handling system comprising:

an authentication server operable to:

establish a two-way trusted communication link with an authenticated user (page 7, line 24 to page 8, line 7 and Figure 6 for example)**; and**

establish access for the authenticated user to a list of application servers associated with a client identifier (page 4, line 25 to page, 5 line 3, page 6, lines 3-9, and Figure 5 for example) **.**

Independent claim 9 reads as follows:

9. A method for automatically authenticating a client comprising the steps of:

providing an authentication server (Figures 4 through 6; in Figure 4, item 111)**;**

identifying clients to access a plurality of application servers by said authentication server (page 4, lines 21-23) **;**

establishing a two-way trusted communication link with an authenticated client (page 7, line 24 to page 8, line 7 and Figure 6 for example)**; and**

establishing access between a client and an application server selected from a list of application servers associated with a client identifier (page 4, line 25 to page, 5 line 3, page 6, lines 3-9 and Figure 5 for example)**.**

In order to make the overview set forth above concise the disclosure that has been included, or referred to, above only represents a portion of the total disclosure set forth in the Specification that supports the independent claims.

(ii). The Remainder of the Specification Also Supports the Claims

The Appellants note that there may be additional disclosure in the Specification that also supports the independent and dependent claims. Further, by referring to the disclosure above the Appellants do not represent that this is the only evidence that supports the independent claims nor do Appellants necessarily represent that this disclosure can be used to fully interpret the claims of the present invention. Instead, this disclosure is an overview of the claimed subject matter.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL:

Appellants seek the Board's review and reversal of the rejection of claims 1-14 based on 35 U.S.C. §101, and §103(a) based on Gudbjartsson et al, U.S. Patent Publication No. 2001/0027519 ("Gudbjartsson") in combination with Reed et al., U.S. Patent No. 5,862,325 ("Reed").

VII. ARGUMENTS:

A. The Section 101 Rejections

Because claims 1 and 9 are the independent claims the Applicants will address their arguments to these claims, it being understood that the same arguments apply to dependent claims 2-8 and 10-14. Therefore, the present appeal of claims 2-8 and 10-14 stands or falls based on the

arguments set forth herein with respect to claims 1 and 9 (see MPEP §1205.02).

Claims 1-14 were rejected under 35 U.S.C. §101, the Examiner taking the position that claims 1 and 9 fail to establish a "clear result" because "[n]either independent claim…communicates (presents the result "establishment of the link") to the user". Appellants disagree and traverse these rejections for at least the following reasons.

The pertinent part of claim 1 reads as follows:

"…an authentication server to:
establish a two-way trusted communication link with an authenticated user…"

The pertinent part of claim 9 reads as follows:

"A method for automatically authenticating a client comprising the steps of….:
…establishing a two-way trusted communication link with an authenticated client…"

Both claims 1 and 9 clearly set forth the establishment of a trusted two-way link with a user or client. In claim 1 this establishment is carried out by an authentication server while in claim 9 it is part of a process. The Appellants are, respectfully speaking, baffled by the Examiner's continued rejection of these claims based on §101.

The CAFC in *State Street Bank & Trust v. Signature Financial Group*, 47 USPQ 2d 1596, 1601-1602 (Fed. Cir. 1998) stated that as long as a claim produces a "useful, concrete and tangible result" such a claim is patentable subject matter under §101. Here, without any factual or legal support whatsoever, the Examiner has stated that merely establishing a trusted two-way communication link is not a tangible result. Apparently the Examiner has not read the instant specification which describes in detail how the

establishment of such a link clearly leads to tangible results. Further, Appellants submit that existing patents issued by the USPTO clearly indicate that the establishment of a link as a part of a claim is a tangible result (see first page of computer search of USPTO's Full-text And Image Database attached as Exhibit 1, which identifies 2,825 issued patents whose claims contain the words "establish" and "link".).

Absent a legal or factual basis for his position, the Appellants respectfully submit that the Examiner has failed to set forth a *prima facie* case of unpatentability.

Further, this Court and the CAFC have repeatedly said that claims must be given their broadest reasonable interpretation that is consistent with the specification. The present specification includes examples, in detail, of how the claimed authentication server may "establish" a trusted two-way link. Given such examples, there is no reason why the Examiner cannot reasonably interpret the meaning of "establish" in the claims. It is respectfully submitted that the Examiner has failed to carry out a reasonable interpretation of the claims which again is required to establish a *prima facie* case of unpatentability.

It may be that the Examiner is requesting that the Appellants explain in the claims how the trusted two-way link is established. However, as the Examiner knows well it is not necessary for patentability that the claims contain the specific details of the examples given in the specification as long as the claimed subject matter is supported by the specification's disclosure, which it is.

The important aspect of the claims is not the specifics of how the trusted two-way link is created; that may be carried out in any number of ways. The importance is that the establishment of such a two-way link is needed as a part of the actions of the claimed server or as a part of the claimed process. For example, the establishment of a two-way link is needed in order to complete

the second step of claim 9, mainly, to allow an authenticated user access to a list of application servers associated with a client identifier.

Appellants respectfully request that the Examiner either present a legal and/or factual basis for the rejection of claims 1-14 or else withdraw the rejections. Simply setting forth a personal opinion without any legal or factual basis for such a statement does not present a *prima facie* case of unpatentability and is otherwise impermissible.

Accordingly, Appellants respectfully request that the members of the Board reverse the decision of the Examiner and allow claims 1-14.

B. The Section 103 Rejections

Claims 1-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gudbjartsson in combination with Reed. Appellants disagree for at least the following reasons.

Gudbjartsson does not disclose or suggest an authentication server that establishes a two-way trusted communication link for access by an authenticated user to a list of application servers associated with a client identifier.

In the Final Office Action the Examiner refers to paragraphs 30 and 56 of Gudbjartsson as supposedly disclosing the claimed client identifiers. Appellants disagree. The "personal identifiers" sent from many users discussed in Gudbjartsson are used to form a single password (see paragraph 50 in Gudbjartsson) in such a way that the original users' identities are kept secret from an entity that receives the combined password. As such, these personal identifiers have little or nothing to do with a list of application servers or access to such a list of servers as in the claims of the present invention. Further, Reed does not make up for the deficiencies of Gudbjartsson as acknowledged by the Examiner.

Accordingly, Appellants respectfully submit that the claims of the present invention would not have been obvious to one of ordinary skill in the art at the

time the present application was filed upon reading the disclosures of Gudbjartsson and Reed because taken separately, or in combination, neither reference discloses or suggests an authentication server that both establishes a two-way trusted communication link and allows an authenticated user access to a list of application servers associated with a client identifier, as in the claims of the present invention.

Further, Appellants respectfully submit that the combination of Gudbjartsson with Reed is impermissible because such a combination would require one or both of these references to modify their principle of operation to such an extent that the modifications would frustrate or destroy their intended operations. For example, Reed explicitly requires either all, or a sufficient number of users (called 'keyholders"), to be present when its' system is started for the first time or restarted. Thus, there is little automation of the start-up or re-start up authentication process in Reed. In contrast, Gudbjartsson's main thrust is to provide an automated communication system which requires as little user involvement as possible, let alone the involvement of multiple users. Combining the two would either require Reed to change its principle of operation such that its starting or re-starting authentication process (if it's even such process) does not require the same user or more than one user or require Gudbjartsson to change its principle of operation to allow more user involvement. Both alternatives are inopposite to the stated goals of these references.

In sum, Appellants respectfully request that the members of the Board reverse the decision of the Examiner and allow claims 1-14.

Conclusion:

Appellants respectfully request that members of the Board reverse the decision of the Examiner and allow claims 1-14.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. An automated authentication handling system comprising:

an authentication server to:

establish a two-way trusted communication link with an authenticated user ; and

establish access for the authenticated user to a list of application servers associated with a client identifier.

2. The automated authentication handling system of claim 1 wherein said authentication server includes:

an identification engine configured to maintain collections of session assignments, each of said session assignment collections being associated with the client identifier.

3. The automated authentication handling system of claim 2 wherein said identification engine receives client identifiers from said clients to establish authenticated users and responsive thereto to provide a user interface to access said application servers according to said associated session assignments.

4. The automated authentication handling system of claim 1 wherein said authentication server includes:

a communication initiator engine configured to establish the trusted communication link between said authenticated users and an application server on said list.

5. The automated authentication handling system of claim 3 wherein said authentication server includes:

a communication initiator engine configured to establish the trusted communication link defined to one of said session assignments between said authenticated users and said application server.

6. The automated authentication handling system of claim 1 wherein said session assignments include data fields selected from the group consisting of session timeout and application access level.

7. The automated authentication handling system of claim 1 wherein said client identifier includes a user id and password.

8. The automated authentication handling system of claim 1 wherein said authentication server includes a processor under the control of software to:

receive an authentication signal from said client;

provide an application access interface to said client in response to said authentication signal; and

establish the trusted communication link between said client and an application server selected from said application access interface.

9. A method for automatically authenticating a client comprising the steps of:

providing an authentication server;

identifying clients to access a plurality of application servers by said authentication server;

establishing a two-way trusted communication link with an authenticated client; and establishing access between a client and an application server selected from a list of

application servers associated with a client identifier.

10. The method of claim 9 wherein said identifying step includes:

providing session parameters for each of said identified clients for at least one of said application servers.

11. The method of claim 9 wherein said identifying step includes:

providing a user interface to said identified clients to access said application servers.

12. The method of claim 10 wherein said establishing step includes:

using said session parameters to establish said trusted communication link.

13. The method of claim 11 wherein said user interface includes a listing of application servers and said establishing steps are initiated following a selection of an application server by a user from said user interface.

14. The method as in claim 1 further comprising a plurality of application servers connected to said network, each requiring authentication for access.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.

USPTO Patent Full-Text and Image Database

Ex 1.6.1 2

Searching US Patent Collection...

Results of Search in US Patent Collection db for:
ACLM/(establish AND link): 2825 patents.
Hits 1 through 50 out of 2825

Next 50 Hits

Jump To

Refine Search ACLM/(establish AND link)

	PAT NO.		Title
1	7,212,837	T	Method and system for hierarchical processing of protocol information in a wireless LAN
2	7,212,821	T	Methods and apparatus for performing handoffs in a multi-carrier wireless communications system
3	7,212,788	T	Local file transfer
4	7,212,543	T	Method, system and device for establishing communication between different communication networks
5	7,212,526	T	Method and apparatus for composing virtual links in a label switched network
6	7,210,168	T	Updating malware definition data for mobile data processing devices
7	7,209,975	T	Area based sub-path protection for communication networks
8	7,209,813	T	Cellular phone configured with off-board device capabilities and starter/charger and battery testing capabilities
9	7,209,747	T	Handling of an unrecoverable error on a dedicated channel
10	7,209,466	T	Software method utilizing gateways for maintaining connectivity during communications over distinct wireless networks by mobile computer terminals
11	7,209,434	T	Path modifying method, label switching node and administrative node in label transfer network
12	7,206,745	T	Method and apparatus for accessing targeted, personalized voice/audio web content through wireless devices
13	7,206,595	T	System and method of providing group dispatch calling between users in distinct geographical areas
14	7,203,653	T	Automated third party verification system